

# **CHAPTER 3**

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This chapter is divided into two sections. The first section provides an introduction, which includes the purpose of the chapter and instructions for its use. The second section is an alphabetical listing of California Codes that impact Maintenance operations.

Not all laws that impact Maintenance operations are listed in this chapter. Other chapters in this Manual may contain information regarding legal requirements not included here. Where appropriate, there is reference to chapters within the Maintenance Manual and other Caltrans guidance documents.

## **SECTION I: INTRODUCTION**

The following summary of laws is provided as a general reference for Caltrans Maintenance personnel. The purpose of this chapter is to bring attention to some codes that impact Maintenance operations. If questions arise concerning the application of these laws, the actual code sections should be consulted. Employees should not rely solely on the unofficial abridgments contained here.

A publication entitled "Statutes Relating to the California Department of Transportation" is revised and published after each regular session of the Legislature. Employees should familiarize themselves with laws as they relate to their own particular branch of work. Districts should consult the Legal Service Center for advice or guidance regarding specific cases.

It is important that field Maintenance personnel have knowledge of the laws relating to their work. Employees who become aware of violations of the law shall immediately notify their supervisors or a law enforcement officer. At no time shall a Caltrans Maintenance employee put himself or herself in personal danger to prevent violation of a statute.

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The following abbreviations for California Codes have been used in this document:

F&AC	Food and Agriculture Code
B&PC	Business and Professions Code
GC	Government Code
H&SC	Health and Safety Code
LC	Labor Code
PC	Penal Code
CC	Civil Code
S&HC	Streets and Highways Code
VC	Vehicle Code
PCC	Public Contract Code
PRC	Public Resources Code
PUC	Public Utilities Code

The following abbreviations for Federal Codes have been used in this document:

USC	United States Code
CFR	Code of Federal Regulations

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The following table lists the subjects covered by various statutes that are listed in the next section:

Table - Index of Subjects Listed in Section II	
Abandoned or Disabled Vehicles, Removal of	Liability of Public Employees
Accident Reports Required	License Requirements
Animal Carcasses	Litter
Chains (Tire) Required	Livestock on Highways
Civil Liability and Financial Responsibility	Load Limits
Clean Water Act	Maintenance, Definition of General Provisions
Closing Highways	No Passing Zones
Closing Highways, Notice of	National Pollution Discharge Elimination System
Closing State Highways	Parking Regulations
Closing Street or Highway	Permits to Governmental Units
Contracting, Constraints and Requirements	Personal Service Contracts
Contracts, Day Labor	Pests on Highways
Contracts, Day Labor Limits	Poles Within Freeways
Curb Markings to Indicate Parking Regulations	Poles, Telephone and Telegraph
Damage to Highways or Bridges	Project
Damage to Highway or Bridge, Liability for	Protection of Public Utilities
Damage to Highway by Water	Public Officers and Employees Must Obey VC
Damage to Signs, Barricades, Lights	Removal or Breaking Barriers, Signs and Lights
Damage to or Removal of Trees, Shrubs, Etc.	Rubbish - Vehicles - Cover for load
Detours	Safety Orders
Drainage or Impounding of Water	Safety Devices and Safeguards
Dumping on Highway	School - Markings and Crosswalks
Encroachment Permits	Selling on Right-of-Way Prohibited
Encroachments, Removal of	Signs
Equipment, Highway	Speed Limit Zones
Equipment, Snow Removal	Spilling Loads on Highway Prohibited
Explosives, Transportation of	Standardized Emergency Management System (SEMS)
Ferry Connections	State Parks, Highways In
Fire Fighting	Stock Trails
Flags	Survey Monuments, Perpetuation of
Franchise in State Highways	Traffic
Freeway	Traffic Direction
Glass, Nails, Etc., Placing on Highway	Unauthorized Signs, Signal and Lights
Historical Landmarks	Warning Signs, Lights, and Devices for Highway Work
Injured Persons	Water
Landscaped Freeway	Weighing
Leasing of Equipment	Weight Limits
Length of Vehicles, Maximum Permitted	Width of Vehicles, Maximum permitted

Figure 3-1 Table - Index of Subjects Listed in Section II

**SECTION II: CODES****Abandoned or Disabled Vehicles, Removal of: 22650-22651 VC, 22654 VC**

Any peace officer or any employee who is authorized to direct traffic or enforce parking laws of a city, county, or jurisdiction of a state agency in which a vehicle is located, may remove a vehicle located within their territorial limits.

Vehicles may be removed when left standing upon a highway in a position so as to create a hazard or obstruct the normal movement of traffic. When signs are posted on a highway to warn that vehicles will be removed after 24 hours, vehicles parked over 24 hours will be removed at the owner's expense.

Any vehicle, except emergency vehicles or vehicles authorized by Caltrans, left standing for more than 8 hours within a roadside rest area or viewpoint can be removed.

**Accident Reports Required**

See Chapter 1, Section 1.13 of the Maintenance Manual, Volume 1.

**Animal Carcasses: 374d PC**

It is a misdemeanor for anyone to put an animal carcass within 100 feet (30.4 meters) of any street, alley, public road, or road in common use. Any animal owner who knowingly allows another person to place a carcass on or near a road is also guilty of this misdemeanor.

**Chains (Tire) Required: 124 S&HC, 670 S&HC, 27459-27460 VC**

The authority of Caltrans to restrict usage of highways or close highways includes the authority to require tire chains due to snow conditions when chains are required for the safety of the public.

**Civil Liability and Financial Responsibility of owners and operators of Motor Vehicles: 17001 VC**

The state is liable for death or injury to persons or property proximately caused by the negligent operation of any vehicle by a state employee acting within the scope of his or her employment.

**Clean Water Act: 33 USC 1342**

The federal Clean Water Act (CWA) provides national standards for water pollution control and water quality management. The 1987 amendment to the CWA established a framework for regulation of storm water discharge, including minimum standards for industry, water quality standards, and a discharge permit program.

See this section, National Pollution Discharge Elimination System - 40 CFR 122.26.

Refer to Chapter C6 of this Manual for detailed information regarding the Maintenance Water Quality Program.

**Closing Highways: 2812 VC**

The Highway Patrol, police, and sheriffs have authority to close a State highway whenever poisonous gas, explosives, dust, smoke, or other similar substances, or fire exist upon or so near a public highway as to create a menace to public health or safety.

**Closing Highways, Notice of: 125 S&HC, 127 S&HC**

Section 125 provides that the department may notify the public of highway closures or restricted use, and may take the following actions:

- (A) Erect suitable barriers or obstructions upon the highway.
- (B) Post warnings and notice of the condition of the highway.
- (C) Post signs for the direction of traffic, or over any detour open to public travel.
- (D) Place warning devices on the highway.



- (E) Assign a flagger to warn, detour, or direct traffic on the highway.

Section 127 instructs the California Highway Patrol to cooperate in the enforcement of the closing or restricted use of the highways.

**Closing State Highways: 124 S&HC**

This section gives Caltrans the authority to restrict the use of, or close, any State highway whenever closing or restriction of use is considered necessary for:

- (A) Protection of the public.
- (B) Protection of highways from damage during storms, or during construction improvement, or maintenance operations on the highways.

This section also permits the temporary closing of a state highway for salvage operations by tow trucks for the purpose of salvaging wrecked vehicles. All salvage operations which cannot be completed within thirty minutes and in which the blocking or partial blocking of the highway is necessary, shall be prohibited until the operator of the salvage equipment secures an encroachment permit. The above instructions do not apply where the life or safety of occupants of the vehicle are at issue, or where wrecked vehicles, are blocking the highways.

**Closing Street or Highway: 21102 VC**

Local authorities may, by ordinance or resolution, close state highways dividing a school ground when, in the opinion of the legislative body having jurisdiction, the closure is necessary for the protection of school children. The closing to vehicular traffic may be limited to such hours and days as the legislative body may specify. The closure must be approved by Caltrans.

**Contracting, Constraints and Requirements: 10108 PCC**

Where the nature of the work to be performed is such that Caltrans services are not required, Maintenance may authorize that the project be carried out directly by the appropriate state agency. If this is done, the estimated cost shall not exceed \$250,000.

If the estimated total cost of any construction project or work carried out under this section \$25,000, Caltrans shall solicit bids in writing and shall award the work to the lowest responsible bidder or reject all bids.

The director may authorize Caltrans to carry out work in excess of \$25,000 under the provisions of this section by day labor if he or she deems that the award of a contract, or the acceptance of bids is not in the best interests of the state. In no event shall the amount of work performed by day labor under this section exceed the sum of \$35,000.

**Contracts, Day Labor: 10122 PCC**

Work on all projects will be performed under contract with the lowest bidder. Under the following circumstances, work may also be done by day labor under direction of the department, by contract upon informal bids, or in combination:

- (A) In case of emergency due to the failure or threat of failure of a bridge or other highway structure.
- (B) In case of emergency due to the failure or threat of failure of any dam, reservoir, aqueduct, or other water facility.
- (C) In case of emergency due to damage to a state owned building or any other state property or improvements. An emergency includes but is not limited to damage by storm, flood, fire or earthquake.
- (D) At any time after the approval of plans, specifications and estimates of cost, if the director deems the advertising or award of a contract, or acceptance of bids, is not in the best interests of the state.

**Contracts, Day Labor Limit: 10122.6 PCC**

Regardless of the project cost limit provided in previous sections, work in excess of \$25,000, which would otherwise constitute a project, shall not be done by day labor unless the requirements of Section 10122 are met.

**Curb Markings to Indicate Parking Regulations: 21458 VC**

Whenever local authorities enact local parking regulations and indicate them by the use of paint upon curbs, the following colors only shall be used, and the colors indicate as follows:

- (A) Red indicates no stopping or parking, except, that a bus may stop in a red zone marked or sign posted as a bus-loading zone.
- (B) Yellow indicates stopping only for the purpose of loading or unloading passengers or freight for the time as may be specified by local ordinance.
- (C) White indicates stopping for either loading or unloading passengers or depositing mail in an adjacent mailbox.
- (D) Green indicates time limit parking specified by local ordinance.
- (E) Blue indicates parking limited exclusively to the vehicles of persons with disabilities.

**Damage to Highways or Bridges: 730 S&HC**

This section provides that any person who willfully or negligently injures or damages any state highway is liable for the cost of its repair. Furthermore, the willful injuring of any bridge, culvert, or structure in or on any state highway is a misdemeanor.

**588 PC**

This section provides that every person who negligently, willfully or maliciously takes any of the following actions is guilty of a misdemeanor:

- (A) Digs up, removes, displaces, breaks down, or otherwise injures or destroys any state or public highway, bridge or any private way laid out by authority of law; or
- (B) Drains, diverts, or in any manner permits by seepage, overflow or otherwise, any waters from lands adjacent to or in the vicinity of any state highway or bridge.

**Damage to Highway or Bridge, Liability for: 17301-17303 VC**

- (A) Any person driving or moving any vehicle or object over a highway or bridge shall be liable for all damages the highway or bridge may sustain as a result of any illegal operation, driving or moving of the vehicle or object. The person shall also be liable for damages caused by driving or moving a vehicle or object weighing in excess of the maximum weight specified in the Vehicle Code, even if authorized to do so by a special permit issued by Caltrans.
- (B) Whenever the driver is not the owner of the vehicle or object but is operating, driving or moving it with the owner, the owner and driver shall be jointly and severally liable for any the damage.
- (C) The driver and/or owner shall also be liable for all damages which any highway or bridge may sustain as the result of any operation, driving or moving of any vehicle which exceeds any of the limitations imposed by Division 15, Chapter 1 of Division 13, and Section 21461, with respect to signs erected under Section 35655 and Sections 21712 and 23114 of the Vehicle Code.
- (D) The damage may be recovered in a civil action brought by the authorities in control of the highway or bridge.

Damage to highways, guardrail, and structures, shall be reported by Maintenance Personnel on Form R-103. The form is to show full information, including name and address of parties responsible for the damage, and an estimate of the restoration cost.

See the Caltrans Accounting Manual and the Caltrans Regional Administrative Officer Manual for detailed instructions.

**Damage to Highway by Water: 588 PC, 725 S&HC**

See above: Damage to Highway or Bridges, Liability for.

**Damage to Signs, Barricades, Lights: 588b PC, 21464 VC**

Official traffic control devices, traffic guideposts, traffic signposts, motorist call boxes, and historical markers are protected by law. Any person who defaces, injures, attaches any material or substance to, knocks down, removes, or shoots at them is guilty of a misdemeanor.

**Damage to Trees, Shrubs, Etc.: 384a PC**

The damage, destruction, or removal of native trees and shrubs growing upon state or county highway rights-of-way, except by employees of the State or political subdivision, is a misdemeanor.

**730.5 S&HC**

Any person who by any means willfully or maliciously digs up, cuts down, destroys or otherwise injures any shade or ornamental tree on any state highway shall be liable to a penalty in the sum of \$ 100 for each tree so damaged.

**Detours: 21363 VC**

This section provides that Caltrans may construct and maintain detours where state highways are closed or obstructed by construction or otherwise. Caltrans may also use any other public highway as a detour.

Upon completion of the use and upon request of the local agency having jurisdiction over the highway, Caltrans must restore it to its former condition. However, the local agency must reimburse Caltrans for any improvements resulting from restoration. Caltrans must reimburse the local agency for any additional expenses incurred by that agency in maintaining the highway during the period of detour.

**Drainage or Impounding of Water: 725-729 S&HC**

See Water, below.

**Dumping on Highway: 374b PC, 23112 VC**

This section prohibits the dumping of any waste upon any public highway, including any portion of the right-of-way. Any person, firm, or corporation violating these provisions shall be guilty of a misdemeanor.

**Equipment, Highway: 25256 VC, 25800-25802 VC**

Highway equipment is exempt from restrictions on lights mounted on vehicles.

**Equipment, Snow Removal: 35001 VC**

Snow removal equipment is exempt from vehicle dimensional limitations found in the Vehicle Code.

**Encroachment Permits: 670 S&HC**

This section requires that permits be obtained for any encroachment on the State highway (all or any part of entire right-of-way), such as any tower, pole, pole line, pipe, pipeline, fence, stand or building or any structure of any kind placed under or over the state highway.

**Encroachments, Removal of: 720-724 S&HC**

These sections outline the manner and procedure for the removal of encroachments that are a nuisance and objectionable.

Unless the encroachment is authorized under Sections 670 to 673, anyone controlling or allowing an encroachment to exist within any state highway, after having been served with a notice for its removal, shall be guilty of a misdemeanor.

Saw logs, which have been spilled from loads by unknown parties and abandoned within the state highway right-of-way, constitute an encroachment. Notice demanding removal shall be given by posting on the logs for a period of 5 days. Thereafter, the logs may be removed with State forces.

**Explosives, Transportation of: 27903 VC**

Any person who operates a motor vehicle transporting an explosive substance shall display on each side and the rear of the vehicle a sign with the word "explosives" in letters not less than 3 inches (76.2millimeters) in height upon a background of sharply contrasting color.

Tank trucks are excepted when the trademark or trade name descriptive of the cargo is displayed. See Chapter 7, Section 7.21: Explosives.

**Ferry Connections: 100.5 S&HC**

This section authorizes the department to own, maintain or arrange for joint construction of ferries within the State, and to provide load limits and hours of operation, as well as collect for any damage by traffic.

**Fire Fighting: 4153 PRC**

The California State Department of Forestry's agent may summon any able bodied person to assist in forest fire fighting, except farmers harvesting perishable agricultural crops, or members of fire departments already subject to call for fire fighting duty.

See Chapter 1 of this Manual, Appendix 1-B: Cooperative Agreement with California Department of Forestry - Fire Suppression.

**Flags: 431 GC**

The Flag of the United States and the Flag of the State shall be prominently displayed during business hours upon or in front of the buildings or grounds of or at each of the following places:

- (A) Each public building belonging to the State, a county, or a municipality.
- (B) At the entrance and exit of every State park.
- (C) At the entrance or upon the grounds of each campus of the University of California.
- (D) At the entrance or upon the grounds or upon the administration building of every university, college, high school, and elementary school, both public and private, within the State.
- (E) Upon or at every agricultural inspection station just inside California and located on every highway leading into California.

- (F) At the entrance of or within every state highway maintenance station where personnel reside or are on duty at the time necessary to raise and lower the Flag.

**Franchise in State Highways: 680-695 S&HC**

Whenever a franchise is granted by any county or city in any public highway which has been or is subsequently constituted a state highway, the department may enforce any obligations of the grantee or holder of the franchise with respect to the repair of the highway.

**Freeway: 23.5 S&HC**

The term "freeway" shall be deemed to mean a highway in respect to which the owners of abutting lands have no right or easement of access to or from their abutting lands or in respect to which owners have only limited or restricted right or easement of access.

**Glass, Nails, Etc., Placing on Highway: 23112,23113 VC****VC 21112**

- (A) No person shall throw or deposit upon any highway any bottle, can, garbage, glass, nail, paper, wire, any substance likely to injure or damage traffic using the highway.

Throwing or depositing of any noisome, nauseous or offensive matter of any kind is also prohibited. The registered owner or the driver, if the owner is not then present in the vehicle, shall not aid or abet in the throwing or depositing of these materials.

- (B) No person shall place, deposit or dump, or direct another person to place, deposit or dump, any rocks or dirt in or upon any highway. This includes any portion of the right-of-way connected to the highway, without the consent of the state or local agency having jurisdiction over the highway.

**VC 23113**

- (A) Any person who drops, dumps, deposits, places or throws, or causes or permits to be dropped, dumped, deposited, placed or thrown, upon any highway or street any material described in Section 23112 shall immediately remove the material or cause the material to be removed.



- (B) If a person who drops, dumps, deposits, places or throws materials described in Section 23112 and does not remove it, Caltrans may remove the material. If necessary, Caltrans may bring a civil action to collect the actual cost of the removal operation in addition to any other damages authorized by law from the responsible party.

See also Penal Code, Sections 374b and 588a.

**Historical Landmarks: 101 S&HC**

This section instructs Caltrans to keep in repair all objects or markers adjacent to a State highway that have been erected to mark registered historical places.

Caltrans is also required to keep the markers free from vegetation that may obscure them from view. These instructions include entering private property to repair historical landmark markers or monuments adjacent to the state highway.

**Injured Persons: 20016 VC**

Employees assigned to Maintenance may transport or arrange for the transportation of a person injured in an accident upon any highway. If the injured person does not object, he or she may be transported to a physician or to hospital.

An employee who exercises ordinary care and precaution shall not be liable for any damages due to any further injury or for any medical, ambulance or hospital bills incurred in behalf of the injured party.

**Landscaped Freeway: 5216 B&PC**

The term "landscaped freeway" refers to a section or sections of a freeway that is now, or may later be, improved by the planting of at least on one side of the freeway right-of-way of lawns, trees, shrubs, flowers or other ornamental vegetation that shall require reasonable maintenance.

Planting for the purpose of soil erosion control, traffic safety requirements, reduction of fire hazards, or traffic noise abatement, shall not change the character of a freeway to a landscaped freeway.

**Leasing of Equipment: 136,136.5 S&HC**

The Department may enter into contracts for the leasing or renting of tools or equipment for State highway purposes. The contracts referred to in these sections are not subject to the provisions of the State Contract Act.

When the total consideration of such a contract exceeds \$2,500, it shall be awarded to the lowest responsible bidder, after competitive bidding on reasonable notice as the department may prescribe. Posting of a notice for five days in a public place in a Caltrans District office in which the work is to be done, or the equipment used, is sufficient notice.

Such contracts involving a consideration of less than \$25,000 need not be accompanied by labor and material bonds. Caltrans may require faithful performance bonds when considered necessary. The advertisement for each contract shall state whether or not a bond shall be required. Where a faithful performance bond is required, labor and material bonds shall also be required.

In cases of emergency work necessitated by the imminence or occurrence of a land slide, flood, storm damage, accident or other casualty, tools or equipment may be rented for a period of not to exceed 20 days without competitive bidding.

See Chapter 2 of this Manual: Resource Management.

**Length of Vehicles, Maximum Permitted: 35400-35414 VC**

This code section specifies that no vehicle shall exceed a length of 40 feet (12.2 meters), but provides a list of exceptions. The exceptions include vehicles in combination, excess length resulting from safety devices, and semi-trailers pulled by motor-truck tractors.

**Liability of Public Employees: 840.2 GC**

Employees of the State are personally liable for their own actions, and for damage claims or losses which occur as a result of carelessness. However, no employee shall be liable for any damage or injury to persons or property resulting from the condition of any street, highway, bridge, building, work or property, unless:

- (A) The public property was in a dangerous condition at the time of injury;

- (B) The injury was proximately caused by the dangerous condition;
- (C) The dangerous condition created a reasonably foreseeable risk of the kind of injury that was incurred; and
- (D) Either
  - (1) The State employee created the dangerous condition, or
  - (2) The State employee had actual or constructive notice of the dangerous condition and the authority and funds available to protect against the dangerous condition.

**License Requirements****12500 - 12527 VC**

Section 12500 provides the requirements for vehicle operator's licenses, for both Class C (driver's license) and Classes A and B (commercial driver's licenses).

**32000 - 32005 VC**

This section of the Vehicle Code provides licensing requirements for the transportation of hazardous materials. It also provides placarding requirements for specific types of hazardous materials.

**Litter: 23112 VC**

No person shall throw upon any highway any bottle, can, garbage, glass, nail, offal, paper, wire, any substance likely to injure or damage traffic using the highway, or any noisome, nauseous, or offensive matter of any kind. No person shall aid or abet in the throwing of these materials.

Without consent from Caltrans, no person shall place, deposit, or dump, or cause to be placed, deposited, or dumped, any rocks, refuse, garbage, or dirt in or upon any highway. This includes any portion of the right-of-way connected to the highway.

**Livestock on Highways: 16902 MAC**

A person that owns or controls the possession of any livestock shall not willfully or negligently permit any of the livestock to stray upon a public highway, if both sides of the highway are adjoined by property that is separated from the highway by a fence, wall, hedge, sidewalk, curb, lawn, or building. No person shall permit livestock to remain unaccompanied by a person in charge or control of the livestock upon a public highway.

**Load Limits****35750-35755 VC**

This section provides that Caltrans may determine the standards for weight limits on bridges and place signs to advise the public. The code prohibits any person from driving an overweight vehicle over a bridge. Violations are punishable by fines set out in the code.

**35550-35601 VC**

This section sets out weight limits for vehicles that are driven on the highways. The code section specifies load limits on wheels and tires, and includes a matrix that provides the weight permitted per each axle.

**35780-35785 VC**

This section provides that Caltrans or local authorities may issue special permits that allow vehicles to operate in a manner that is not in compliance with Vehicle Code sections. The section sets out the requirements for such permits.

**Lost and Found Property: 2080 CC****Duty to Inform the Owner of Lost Property: 2080 CC**

This Code section provides that a person who finds property shall inform the owner within a reasonable time and return the property to the owner.

**Disposition of Found Property: 2080.1 CC**

This Section provides direction regarding property with a value of more than \$ 100 when the owner of property is unknown. The property shall be turned over to the city police department if found within the city limits, or to the sheriffs department if found outside the city limits.

**State Employees May not Keep Found Property: 2080.3 CC**

Section 2080.3 provides that if the unknown owner of property cannot be located, the person who finds the property takes title "unless the property was found in the course of employment by an employee of any public agency, in which case the property shall be sold at public auction".

Chapter 1 of this Manual, Section 1.07: Use and Disposal of State Property, and Lost and Found Items provides detailed instructions regarding lost and found items.

**Maintenance, Definition of General Provisions: 27 S&HC**

Under this code, "maintenance" includes any of the following:

- (A) The preservation and keeping of right-of-ways, and each type of roadway, structure, safety convenience or device, planting, illumination equipment, and other facility, in the safe and usable condition to which it has been improved or constructed, but does not include reconstruction or other improvement.
- (B) Operation of special safety conveniences, devices, and illumination equipment.
- (C) The special or emergency maintenance or repair necessitated by accidents or by storms or other weather conditions, slides, settlements, or other unusual or unexpected damage to a roadway, structure, or facility.

The degree and type of maintenance for each highway, or portion of highway shall be determined by the authorities charged with the highway's maintenance. The authority shall take into consideration traffic requirements and moneys available.

**No Passing Zones: 21459-21460 VC**

This Vehicle Code section authorizes Caltrans to place and maintain distinctive roadway markings in no passing zones. The section specifies the types of markings that are required.

**National Pollution Discharge Elimination System: 40 CFR 122.26**

In 1990, the National Pollution Discharge Elimination System (NPDES) was established in Title 40 of the Code of Federal Regulations, Part 122, Section 26. This regulation requires permits for discharge into the storm water system by industry, large municipalities, and construction sites. NPDES applies to storm water discharged from interstates and the state highway system.

The NPDES program also requires a Storm Water Pollution Prevention Plan (SWPPP) for facilities, and development of Best Management Practices (BMPs) designed to prevent pollution of storm water.

See Chapter C6 of this Manual, Maintenance Water Quality Program for detailed information.

**Parking Regulations: 22505-22520 VC, 41102 VC**

Caltrans may place signs or markings that prohibit stopping, standing, or parking of vehicles that are 6 feet (1.83 meters) or more in height, including load. Where necessary, Caltrans has the authority to prohibit stopping or parking of smaller vehicles.

**Permits to Governmental Units: 810 S&HC**

This section allows governmental units (such as Caltrans) to do paving, curb and gutter, sewer work, fixing of grades, and other improvements and repairs, when a permit is obtained for work.

**Personal Services Contracts: 19130 GC**

This code outlines the constraints for using personal services contracts. Under this code, personal services contracts can only be applied when the contracted activity will exhibit cost savings or if the activity is exempted from civil service by the California Constitution. Several of the most significant exempted activities include:

- (A) Contracts for new state functions, and the legislature has specifically authorized the performance of work by independent contractors.
- (B) Services not available within the civil service.
- (C) Activities where the contractor will provide equipment, materials, facilities, or support services that could not be provided by the state in a specific location.
- (D) Services that are of an urgent, temporary, or occasional nature.

See Chapter 2: Resource Management, and Chapter 1, Section 1.11.4: Service Contracts for more information.

#### **Pests on Highway: 5492 F&AC**

When a pest is found on the highway, right-of-way, or other property that is subject to Caltrans control, the County Agricultural Commissioner will notify the Department of Food and Agriculture (DF&A). The Director of DF&A will either notify Caltrans directly, or may direct the Agricultural Commissioner to serve notice to Caltrans that there is a pest. If the County Agricultural Commissioner performs eradication, control, or destruction of the pest, the cost shall be paid by Caltrans.

This section applies to a State highway right-of-way if any pest of the same kind has been found and controlled on other private or public property in the immediate vicinity, either at the direction of the Commissioner or voluntarily by the owner of adjacent property.

Any employee who is advised of a pest on the right of way shall immediately report this to his or her supervisor.

See Chapter C2: Vegetation Control for detailed information regarding regulation of pesticides and legal requirements for worker safety.

#### **Poles Within Freeways: 700-711 S&HC**

If Caltrans requires the removal of any utility facility lawfully maintained in the freeway right-of-way to a location entirely outside the right-of-way, the Department shall pay the reasonable and necessary cost of removal and relocation.

This section does not apply to the relocation of the utility facility from one point in a freeway to another point in the freeway.

**Poles, Telephone and Telegraph: 7901 PUC**

Telephone and telegraph poles may be placed in State highway rights-of-way.

The telegraph or telephone lines must be constructed in such a manner and installed in locations that they will not interfere with public use of the road or highway, or interrupt navigation of nearby waters.

Encroachment permits must be obtained before any telegraph or telephone lines are constructed or repaired within a highway right-of-way.

**Project: 10105 PCC**

A "project" includes the erection, construction, alteration, repair or improvement of any state structure, building, road, or other state improvement of any kind that will exceed a total cost calculated pursuant to this section.

The total cost limitations for projects are set out in this section. Ever two years, the total cost limit is adjusted upward or downward by the Director of Finance to reflect the percentage change in the annual California Construction Index as used by the Department of General Services. The amount is rounded off to the nearest 1,000 dollar figure.

See Chapter 2, Section 2.03: Limitations and Use of Funds.

**Protection of Public Utilities: 4216-4217 GC**

Maintenance personnel shall contact a regional notification center to locate underground utilities prior to excavating.

See Chapter 1, Appendix 1-C: Instructions for Use of Underground Service Alert (USA).



**Public Officers and Employees Must Obey Vehicle Code: 21052 VC**

Public employees are not exempt from the provisions of the Vehicle Code.

**Removal or Breaking Barriers, Signs, and Lights: 588b PC, 590 PC, 21464 VC**

Anyone who commits the following acts is guilty of a misdemeanor:

- (A) Willfully breaks down, removes, injures, or destroys any barrier or obstruction erected or placed in or upon any road or highway by Caltrans or its contractors.
- (B) Willfully tears down, defaces, removes, or destroys any warnings, notices, or directional signs erected, placed or posted, in, upon, or adjacent to any road or highway.
- (C) Willfully extinguishes, removes, injures, or destroys any warning light or lantern, or reflectorized warning or directional sign, erected, placed or maintained by any authority in, upon or adjacent to any road or highway, shall be guilty of a misdemeanor.
- (D) Maliciously removes, destroys, injures, breaks or defaces any milepost, board or stone, or guidepost erected on or near any highway, or any inscription on a highway.

**Rubbish Vehicles - Cover for Load: 23115 VC**

Maintenance trucks that may be hauling papers, cartons, and other roadside litter are required to have a cover sufficient to prevent the load from spilling upon the highway. This section does not prohibit a rubbish vehicle from being without a cover while in the process of acquiring its load.

Vehicles transporting aggregate materials shall not be required to cover their loads if the load, where it contacts the sides of the cargo container, remains 6 inches (152.4 millimeters) below the upper edge and the peak of the load does not extend above the upper edge.

**Safety Orders: 3300 LC**

Section 3300 of the Labor Code designates the State of California and every State agency as an "employer". State agencies are, therefore, required to comply with Safety Orders and Regulations issued by the Division of Industrial Safety.

Safety orders are issued from time to time and old orders are amended.

The Office of Employee Safety will provide a copy of specific sections as requested, and will advise where the Safety Orders may be purchased.

It shall be the duty of all Maintenance supervisors to familiarize themselves with the various safety orders that apply to their particular type of work.

**Safety Devices and Safeguards: 6400-6407 LC**

The Labor Code requires Caltrans, as an employer, to furnish employment and a place of employment that are safe and healthful for its employees. Caltrans must furnish safety devices and safeguards, and adopt and use safe practices and methods that are reasonably adequate for the safety of employees.

No employer shall require or permit any employee to go, or be in, any place of employment that is not safe. Employers shall do everything reasonably necessary to protect the life, and safety and health of employees.

**Salvage Vehicles, Towing: 124 S&HC**

See above: Closing State Highways.

**School - Markings and Crosswalks: 21368 VC**

A marked pedestrian crosswalk in a roadway near a school building or school grounds shall be painted or marked in yellow. All marked pedestrian crosswalks at intersections shall be marked in yellow if yellow marking is required on one of the crosswalks.

Other established marked pedestrian crosswalks may be painted or marked in yellow if either:

- (A) The nearest point of the crosswalk is not more than 600 feet (182.8 meters) from a school building or school grounds; or
- (B) All of the following conditions are met:
  - (1) The nearest point of the crosswalk is not more than 2,800 feet (853.4 meters) from a school building or school grounds;
  - (2) There are no intervening crosswalks other than those next to the school grounds; and
  - (3) It appears that the facts and circumstances require special painting or marking of the crosswalks for the protection and safety of persons attending the school.

The following words shall be painted or marked in yellow on each side of the street, in the lane or lanes leading to all yellow marked crosswalks: "SLOW--SCHOOL XING". The words shall not be painted or marked in any lane leading to a crosswalk at an intersection controlled by stop signs, traffic signals, or yield right-of-way signs.

A crosswalk shall not be painted or marked yellow at any location other than as required or permitted in this section.

#### **Selling on Right-of-Way Prohibited: 731 S&HC**

It is a misdemeanor to park a vehicle or structure on the right of way for the purposes of selling the vehicle or structure, or to sell items carried within a vehicle or structure.

Vehicles or structures placed on the right of way for the purpose of selling them are a public nuisance. Caltrans shall remove them from the highway.

Vendors may take orders and deliver items from a vehicle on the state highway immediately adjacent to the premises of the purchaser.

**Standardized Emergency Management System (SEMS): GC Section 8607**

As a Department of State government, Caltrans is required is by Section 8607 of the California Government Code to use the Standardized Emergency Management System (SEMS) in any multi-agency emergency response.

All Caltrans Maintenance field personnel and District Maintenance management shall attend SEMS training.

See Chapter D5 for detailed information regarding SEMS training requirements.

**SIGNS****California Missions: 123.5 S&HC**

The department is required to erect and maintain signs directing the way to each of the 21 California Missions originally established by the Franciscan Fathers, at the State highway intersection or off ramps nearest to each of the missions.

For further instructions regarding signs and monuments for registered historical landmarks, see the Traffic Manual.

**Detour: 21363 VC**

Detour signs shall be placed at the nearest points of detour from the portion of the highway, or from any bridge, which is closed to traffic while under construction or repair.

**Livestock Crossings: 21364 VC**

Caltrans may authorize the owner of land adjacent to the highway to place and maintain signs to indicate the existence of places where livestock frequently cross the highway. Any livestock crossing sign must be maintained as an official sign. Caltrans shall specify the size, shape and character of the signs.

**Official Signs and Traffic Control Devices: 21350, 21400 VC**

Section 21350 gives Caltrans the authority to erect and maintain appropriate signs, signals, and other traffic control devices to carry out the provisions of the Vehicle Code.

Section 21400 requires Caltrans to adopt rules and regulations that establish uniform standards and specifications for official traffic control devices.

**Open Range: 21365 VC**

This section authorizes Caltrans to place and maintain signs indicating that territory is open range, to warn against the danger of livestock on the highway.

**Railroad Warning Signs: 21362 VC**

Section 213 62 requires the local authority with jurisdiction to erect railroad-warning signs on the right side of each approach to railroad or light rail grade crossings. As the authority with jurisdiction over state highways, Caltrans is responsible for placing and maintaining these signs.

**Speed Limit Signs, Location of: 21357-21359 VC**

These sections provide instructions for placement of speed restriction signs.

**Speed Limit Signs, Specifications for: 21400 VC**

All speed limit signs shall be uniform. Caltrans, after notice and public hearings, determines the specifications for all signs placed on the highway.

**Stop Signs, Authority for: 21352 VC, 21353 VC**

Caltrans may erect stop signs at any entrance to a State highway whenever it determines that it is necessary for public safety and orderly and efficient use of the highways.

**Stop Signs, Specification for: 21400 VC, 21401 VC**

All stop signs shall be uniform. Caltrans determines the specifications for all stop signs.

**Street Name Signs: 21405 VC**

Caltrans shall adopt rules and regulations that establish uniform standards and specifications for street name signs.

**Street Name Signs Required at Controlled Intersections: 21368 VC**

A street name sign, clearly visible to the principal flow of traffic, is required at each intersection on streets and highways that is controlled by a signal.

**Yield Sign, Authority for use: 21356 VC**

Caltrans may erect yield signs at the entrances of intersections or highways under its jurisdiction. The signs shall be located at or near the entrance of the intersection or highways where motorists are required to yield the right of way. Yield signs shall not be erected upon the approaches to more than one of the intersecting streets.

**Speed Limit Zones: 22351 VC, 22352 VC**

Caltrans has the authority to erect signs on State highways necessary to carry out the provisions of the Vehicle Code. The Department may also erect speed limit signs that are necessary for public safety or for the orderly and efficient use of highways by the public.

**Establishment of Speed Limits: 22348-22364 VC, 22400-22407 VC**

Sections 22348-22364 provides that no person shall exceed established speed limits. The maximum speed limits are set forth. These sections also provide punishments for infractions of the law.

Section 22350 provides the basic speed law:

"No person shall drive a vehicle upon a highway at a speed greater than is reasonable or prudent having due regard for weather, visibility, the traffic on, and the surface and width of, the highway, and in no event at a speed which endangers the safety of persons or property."

Section 22354 authorizes Caltrans, upon the basis of an engineering and traffic survey, to establish speeds lower than 65 miles (104.6 kilometers) per hour when it is appropriate for public safety or to facilitate the orderly movement of traffic.

Section 22400 prohibits any person from driving on a highway at such a slow speed as to impede traffic or block the normal and reasonable movement of traffic, unless the slow speed is necessary for safe operation or because of a grade.

Caltrans may establish minimum speed limits on the basis of engineering and traffic surveys.

Section 22402 authorizes Caltrans, after an engineering investigation, notice and a public hearing, to determine maximum speeds that can be maintained with safety on any bridge, elevated structure, tube or tunnel on a state highway.

Section 22406 establishes a speed limit of 55 miles (88.5 kilometers) per hour for the following vehicles:

- (A) A motor-truck or truck tractor pulling another vehicle.
- (B) A passenger vehicle or bus towing another vehicle.
- (C) A school bus transporting students.
- (D) A farm labor vehicle transporting workers.
- (E) A vehicle transporting explosives.
- (F) A trailer bus.

Section 22406.5 prohibits driving tank vehicles that carry more than 500 gallons (1892.5 liters) of flammable liquid from traveling over applicable speed limits.

**Bridges: 22402-22405 VC**

Caltrans is authorized to establish maximum speed limits on bridges, after conducting an engineering investigation, providing notice and a public hearing.

**Business District: 235 VC, 515 VC, 240 VC, 21357 VC**

Section 235 defines a "business district" as a portion of a highway on which is:

- (A) At least 50 percent of the buildings facing one side of the highway for a distance of 600 feet (182.8 meters) are businesses; or
- (B) At least 50 percent of the buildings on facing both sides of the highway for a distance of 300 feet (91.4 meters) are businesses.

Section 515 provides that a "residence district" is one where, within a distance of a quarter of a mile (0.4 kilometers), the highway is fronted by 13 or more dwelling houses or business structures on one side of the highway.

Section 240 provides detailed instructions for determining if a highway is within a business or residence district.

Section 21357 authorizes Caltrans to erect speed signs on highways other than State highways at the entrance of a business district or residential district.

**Residence District: 21357 VC**

This section provides that speed restriction signs may be erected on any highway other than a State highway at the entrance of a business or residence district.

See Business District, above.

**School: 22352 VC**

This section establishes a speed limit of 25 miles (40.2 kilometers) per hour when passing a school building or school grounds while children are going to or leaving school, or during noon recess.



**Truck (Descending Grades): 22407 VC**

Section 22407 authorizes Caltrans to establish reduced speed limits for vehicles over 10,000 pounds (4536 kilograms) gross weight when traveling down grades.

**Spilling Loads on Highway Prohibited: 23114 VC**

This section prohibits spilling loads onto the highway other than clear water or feathers from live birds. It provides detailed requirements for vehicles that carry cargo.

**State Parks, Highways in: 122-123 S&HC**

These sections provide for road maintenance or construction in State parks, subject to the approval of the park authority. The above provisions neither affect nor limit Caltrans authority, possession or control of any State highway, even though any portion of the highway is located within a state park.

**Stock Trails: 105 S&HC**

This section authorizes Caltrans to construct and maintain "stock trails" approximately paralleling any state highway. Caltrans may retain and maintain these stock trails if the right-of-of any State highway is superseded by relocation. Caltrans is required to post signs or notices at the entrances of stock trails, directing all persons to drive untethered stock on the trail. Persons driving untethered livestock on a state highway that parallels a stock trail are guilty of a misdemeanor. In addition, they are liable for all damage done to the highway.

**Survey Monuments, Perpetuation of: 8771 B&PC**

This section requires perpetuation of survey monuments likely to be destroyed by construction or reconstruction of highways and roads.

Pre-inspection of maintenance sites should include a search for known or suspected survey monuments. Existing survey monuments must not be disturbed, overlaid, destroyed, or obliterated.

The Supervisor shall notify the District Surveys Engineer if survey monuments will be affected by maintenance operations, or if the supervisor cannot determine the impact of maintenance operations on survey monuments.

With sufficient advance notice, the District Surveys Engineer can perpetuate survey monuments, as necessary, in conformance with Section 8771.

**Towing Salvage or Wrecked Vehicles: 124 S&HC**

See above, Closing State Highways.

**Traffic: 620 VC**

Traffic includes pedestrians, ridden animals, vehicles, streetcars and other conveyances, either singly or together, while using any highway for purposes of travel.

**Traffic Direction: 2410 VC**

In the event of any emergency, to expedite traffic, or to insure safety, the Highway Patrol is authorized to direct traffic, as conditions require without regard to provisions of the Vehicle Code.

**Unauthorized Signs, Signals, and Lights, Display of Prohibited: 21465-21467 VC**

The Vehicle Code prohibits the display of the following within view of the highway:

- (A) Any unofficial sign, signal, device, or marking, or any sign, signal, device, or marking which is an imitation of an official traffic control device.
- (B) Any unofficial sign, signal, device, or marking which attempts to direct the movement of traffic.
- (C) Any unofficial sign, signal, device, or marking which hides from view any official traffic control device.

- (D) Any light of any color of such brilliance, that it impairs the vision of drivers upon the highway.

The Department of Transportation, the California Highway Patrol, and local authorities are authorized to remove any unofficial sign, signal, device, or marking. The Director of Transportation, the commissioner, or local authorities may bring an action as provided by law to abate this nuisance.

### **Warning Signs, Lights, and Devices for Highway Work: 21400 VC**

Caltrans shall, after consultation with local agencies and public hearings, adopt rules and regulations prescribing uniform standards and specifications for all official traffic control devices placed pursuant to this code.

This includes, but is not limited to, stop signs, yield right-of-way signs, speed restriction signs, railroad warning approach signs, street name signs, lines and markings on the roadway, and stock crossing signs placed pursuant to Section 21364.

### **Water: 725-727 S&HC**

It is unlawful for any person to permit water to be turned from his land to any State highway which results in damage to the highway.

It is unlawful to do the following:

- (A) Drain water, or permit water to be drained from his lands onto any state highway by any means that results in damage to the highway.
- (B) Obstruct any natural watercourse so as to:
  - (1) Prevent, impede or restrict the natural flow of waters from any state highway into and through the watercourse, unless other adequate and proper drainage is provided.
  - (2) Cause waters to be impounded within any State highway, damaging the highway.
  - (3) Cause interference with, or damage or hazard to public travel.

- (C) Store or distribute water for any purpose so as to permit it to overflow onto, to saturate by seepage, or to obstruct any State highway, with resulting damage to the highway.

Section 720 requires that Caltrans provide a written notice of encroachment. If the encroachment is not corrected and repairs made at the violator's expense after written notice, the Caltrans may make corrections and repairs and recover by law the cost of repairs. Section 720 also permits Caltrans to collect the sum of \$10 for each day the drainage, diversion, overflow or seepage is permitted to continue after service of notice, together with the costs and expense incurred with such action.

See Chapter C6 of this Manual: Maintenance Storm Water Pollution Prevention Program.

**Weighing: 2802-2803 VC**

Officers of the California Highway Patrol may weigh vehicles and require the removal of excess load.

**Weight Limits**

See Load Limits, above.

**Width of Vehicles, Maximum permitted: 35100-35111 VC**

The total outside width of any vehicle or its load shall not exceed 102 inches (2590.8 millimeters).

Safety devices that the Secretary of Transportation determines to be necessary for the safe and efficient operation of motor vehicles shall not be included in the calculation of width.

Any city or county may, by ordinance, prohibit a combination of vehicles of a total width in excess of 96 inches (2438.4 millimeters) upon highways under its jurisdiction. The ordinance shall not be effective until appropriate signs are erected indicating the streets affected.